

HOUSE BILL 232

Unofficial Copy  
R4

2001 Regular Session  
(11r1025)

ENROLLED BILL

-- Commerce and Government Matters/Judicial Proceedings --

Introduced by **Delegates Mandel, Bronrott, Arnick, Benson, Brinkley, Bobo,  
Clagett, DeCarlo, Dobson, Dypski, Glassman, Malone, McIntosh, Paige,  
Parrott, Riley, Shank, Snodgrass, Sophocleus, Swain, and Goldwater**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Drivers' Licenses - Graduated Licensing System - Provisional License**  
3 **Licenses - Restrictions**

4 FOR the purpose of requiring the Motor Vehicle Administration to impose ~~certain~~  
5 ~~restrictions on provisional drivers' licenses pertaining to seat belt and child~~  
6 ~~safety seat use; providing a certain exception relating to certain individuals~~  
7 ~~covered by medical exceptions; providing for the prospective application of this~~  
8 ~~Act; and generally relating to license restrictions applicable to drivers on~~  
9 ~~provisional drivers' licenses issued to individuals under a certain age certain~~  
10 ~~restrictions pertaining to seat belt and child safety seat use; limiting the~~  
11 ~~application of this Act to certain drivers who hold provisional licenses as of a~~  
12 ~~specified date; and generally relating to license restrictions applicable to drivers~~  
13 ~~who are under a certain age and~~ who hold provisional drivers' licenses.

14 BY repealing and reenacting, ~~with~~ without amendments,

1 Article - Transportation  
 2 Section ~~16-113~~ 16-113(d)  
 3 Annotated Code of Maryland  
 4 (1999 Replacement Volume and 2000 Supplement)

5 BY adding to  
 6 Article - Transportation  
 7 Section 16-113(d-1)  
 8 Annotated Code of Maryland  
 9 (1999 Replacement Volume and 2000 Supplement)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 11 MARYLAND, That the Laws of Maryland read as follows:

12 **Article - Transportation**

13 16-113.

14 (a) (1) ~~In addition to the vision and other restrictions provided for in this~~  
 15 ~~subtitle, when it issues a driver's license, the Administration for good cause may~~  
 16 ~~impose on the licensee:~~

17 (i) ~~Any restrictions suitable to the licensee's driving ability with~~  
 18 ~~respect to the type of special mechanical control devices required on motor vehicles~~  
 19 ~~that the licensee may drive;~~

20 (ii) ~~An alcohol restriction which prohibits the licensee from driving~~  
 21 ~~or attempting to drive a motor vehicle while having alcohol in the licensee's blood; and~~

22 (iii) ~~Any other restrictions applicable to the licensee that the~~  
 23 ~~Administration determines appropriate to assure the safe driving of a motor vehicle~~  
 24 ~~by the licensee.~~

25 (2) ~~An alcohol restriction that prohibits the licensee from driving or~~  
 26 ~~attempting to drive a motor vehicle while having alcohol in the licensee's blood may,~~  
 27 ~~as described in subsections (b) and [(g)] (H) of this section, include a restriction that~~  
 28 ~~prohibits the licensee from driving or attempting to drive a motor vehicle unless the~~  
 29 ~~licensee is a participant in the Ignition Interlock System Program established under~~  
 30 ~~§ 16-404.1 of this title.~~

31 (b) (1) ~~Notwithstanding the licensee's driving record, the Administration~~  
 32 ~~shall impose on each licensee under the age of 21 years an alcohol restriction that~~  
 33 ~~prohibits the licensee from driving or attempting to drive a motor vehicle with an~~  
 34 ~~alcohol concentration of 0.02 or more as determined by an analysis of the licensee's~~  
 35 ~~blood or breath.~~

36 (2) ~~An alcohol restriction imposed under this subsection expires when~~  
 37 ~~the licensee reaches the age of 21 years.~~

- 1           (3)     ~~This subsection may not be construed or applied to limit:~~
- 2                   (i)     ~~The authority of the Administration to impose on a licensee an~~  
3 ~~alcohol restriction described in subsection (a)(2) of this section; or~~
- 4                   (ii)    ~~The application of any other provision of law that prohibits~~  
5 ~~consumption of an alcoholic beverage by an individual under the age of 21 years.~~
- 6           (4)     ~~An individual under the age of 21 years who is convicted of a violation~~  
7 ~~of § 21-902(a), (b), or (c) of this article may be required, for a period of not more than~~  
8 ~~3 years, to participate in the Ignition Interlock System Program in order to retain the~~  
9 ~~individual's driver's license.~~
- 10    (e)    (1)     ~~Subject to the provisions of paragraph (2) of this subsection, the~~  
11 ~~Administration may:~~
- 12                   (i)     ~~Issue a special restricted license; or~~
- 13                   (ii)    ~~Set forth the restrictions on the usual license form.~~
- 14           (2)     ~~The Administration shall indicate on the license of a licensee under~~  
15 ~~the age of 21 years that an alcohol restriction has been imposed on the licensee under~~  
16 ~~subsection (b) of this section.~~
- 17    (d)    (1)     Notwithstanding the licensee's driving record, the Administration  
18 shall impose an hour restriction on a provisional driver's license issued to an  
19 applicant under the age of 18.
- 20           (2)     The restriction under this subsection shall limit the holder of a  
21 provisional license to driving unsupervised only between the hours of 5 a.m. and 12  
22 midnight.
- 23           (3)     This subsection does not preclude the holder of a provisional license  
24 from driving between the hours of 12 midnight and 5 a.m. the following day if the  
25 licensee is:
- 26                   (i)     Accompanied and supervised by a licensed driver who is at least  
27 21 years old;
- 28                   (ii)    Driving to or from or in the course of the licensee's employment;
- 29                   (iii)   Driving to or from a school class or official school activity;
- 30                   (iv)    Driving to or from an organized volunteer program; or
- 31                   (v)     Driving to or from an opportunity to participate in an athletic  
32 event or related training session.
- 33           (4)     The hour restriction and the supervision requirement under this  
34 subsection expire on the date the holder of the provisional license turns 18 years of  
35 age.

1 ~~(E)~~ (D-1) (1) NOTWITHSTANDING THE LICENSEE'S DRIVING RECORD, AND  
 2 SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE ADMINISTRATION SHALL  
 3 IMPOSE A RESTRICTION ON EACH PROVISIONAL DRIVER'S LICENSE PROHIBITING  
 4 THE LICENSEE FROM OPERATING A MOTOR VEHICLE IF THE DRIVER AND EACH  
 5 PASSENGER IN THE MOTOR VEHICLE ARE NOT RESTRAINED BY A SEAT BELT OR, IN  
 6 ACCORDANCE WITH § 22-412.2 OF THIS ARTICLE, BY A CHILD SAFETY SEAT.

7 (2) IT IS NOT A VIOLATION OF THE RESTRICTION UNDER PARAGRAPH (1)  
 8 OF THIS SUBSECTION IF AN INDIVIDUAL COVERED BY A MEDICAL EXCEPTION UNDER  
 9 § 22-412.2(F) OR ~~§ 22-413.3~~ § 22-412.3(D) AND (E) OF THIS ARTICLE IS NOT RESTRAINED.

10 (3) THE RESTRICTIONS UNDER PARAGRAPH (1) OF THIS SUBSECTION  
 11 EXPIRE ON THE DATE THAT THE HOLDER OF A PROVISIONAL LICENSE TURNS 18  
 12 YEARS OF AGE.

13 ~~[(e)]~~ ~~(F)~~ ~~(1)~~ In addition to the other restrictions provided under this  
 14 subtitle, the Administration may issue:

15 (i) A driver's license that is valid only in the State of Maryland to  
 16 an applicant who has been suspended in another jurisdiction as a result of failing to  
 17 comply with the financial responsibility requirements of that jurisdiction; or

18 (ii) A temporary driver's license that is valid only in the State of  
 19 Maryland to an applicant for reinstatement of a suspended or revoked driver's  
 20 license, renewal of a driver's license, or a duplicate or corrected driver's license if, at  
 21 the time of application:

22 1. The applicant's privilege to drive in another jurisdiction is  
 23 revoked or suspended as a result of failing to comply with the licensing requirements  
 24 of that jurisdiction for which a comparable violation in this State would not have  
 25 resulted in revocation or suspension;

26 2. The initial violation that led to the revocation or  
 27 suspension did not occur within the preceding 5 years;

28 3. The applicant is otherwise qualified to be licensed in this  
 29 State; and

30 4. The Administration determines that the applicant will be  
 31 able to take any actions required by the other jurisdiction for reinstatement of the  
 32 privilege to drive in that jurisdiction.

33 (2) A temporary license issued under paragraph (1) of this subsection  
 34 shall be valid for 90 days.

35 ~~(3)~~ The Administration shall adopt regulations for the issuance of  
 36 temporary licenses under paragraph (1) of this subsection.

37 ~~[(f)]~~ ~~(G)~~ After receiving satisfactory evidence of any violation of a restricted or  
 38 provisional driver's license, the Administration may suspend or revoke the license.

1 However, the licensee may request a hearing as provided for a suspension or  
2 revocation under Subtitle 2 of this title.

3 ~~[(g)] (H) (1) The Administration shall impose an alcohol restriction under~~  
4 ~~subsection (a)(1)(ii) of this section that prohibits an individual for a period of 3 years~~  
5 ~~from driving or attempting to drive with alcohol in the individual's blood on any~~  
6 ~~licensee who is convicted within 5 years of any combination of two or more violations~~  
7 ~~under § 21-902(a), (b), or (c) of this article.~~

8 ~~(2) If a circuit court or the District Court orders a licensee not to drive or~~  
9 ~~attempt to drive a motor vehicle with alcohol in the licensee's blood or orders, under §~~  
10 ~~27-107 of this article, the licensee to participate in the Ignition Interlock System~~  
11 ~~Program established under § 16-404.1 of this title, the Administration shall have the~~  
12 ~~licensee's driving record and driver's license reflect that the court ordered restriction~~  
13 ~~was imposed, and shall keep records of the order.~~

14 ~~[(h)] (I) An individual may not drive a vehicle in any manner that violates~~  
15 ~~any restriction imposed by the Administration in a restricted license issued to the~~  
16 ~~individual.~~

17 ~~[(i)] (J) An individual may not drive a vehicle in any manner that violates~~  
18 ~~any restriction imposed in a provisional license issued to the individual.~~

19 ~~[(j)] (K) An individual may not drive or attempt to drive a motor vehicle with~~  
20 ~~alcohol in the individual's blood in violation of a restriction imposed by a court.~~

21 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be~~  
22 ~~construed only prospectively and may not be applied or interpreted to have any effect~~  
23 ~~on or application to any provisional driver's license issued before the effective date of~~  
24 ~~this Act.~~

25 ~~*SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding*~~  
26 ~~*Section 1 of this Act, any individual who holds a provisional driver's license on*~~  
27 ~~*September 30, 2001, is subject to the license restrictions in effect on that date as long as*~~  
28 ~~*the provisional license remains in effect and is not affected by the changes in*~~  
29 ~~*restrictions applicable to provisional licenses enacted under Section 1 of this Act.*~~

30 ~~SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect~~  
31 ~~October 1, 2001.~~